

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIE-JIN SHEN, et al.,

Plaintiffs,

v.

LUCY'S ASIA BISTRO, et al.

Defendants.

No. C 06-07706 TEH (WDB)

**ORDER DENYING PLAINTIFF'S
REQUEST TO CONTINUE
RULING**

On July 8, 2009, the Undersigned held a telephonic hearing on Plaintiffs' Motion to Compel Attendance at Deposition. The Clerk's Notice setting the hearing instructed counsel for the moving party to initiate the conference call and then telephone the Court at the appointed time. After a ten-minute delay, counsel for Defendants appeared by telephone, with no appearance for Plaintiffs. Counsel for Plaintiffs had not informed the Court or opposing counsel of any reason for his inability to appear at the hearing. The Court denied Plaintiffs' motion to compel without prejudice to re-noticing the motion.

After the conclusion of the hearing and the Court's ruling on the motion, Plaintiffs' counsel called the Undersigned's law clerk to state he had been delayed and inquired about the motion. He thereafter filed a Request to Continue the Ruling on Plaintiffs' Motion to Compel Depositions. Doc. no. 103.

1 Plaintiffs' Request to Continue the Ruling on Plaintiffs' Motion to Compel is
2 DENIED as moot. Plaintiffs may re-notice the motion to compel following the three-
3 week period they propose "to see if any bankruptcy petitions would be filed by
4 Defendants Lucia Liao and Margarette Ting."

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6 Dated: July 9, 2009

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8 WAYNE D. BRAZIL
9 United States Magistrate Judge
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